



consumer news

Office of Consumer Affairs
Executive Office of the President Virginia H. Knauer, Director

Vol. 2, No. 2, April 15, 1972

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Court kills octane rule, curbs FTC power

U.S. District Court for the District of Columbia has ruled against Federal Trade Commission's regulation to require service stations to post octane ratings on gasoline pumps. FTC's regulation [see CONSUMER NEWS: Jan. 1, 1972] was to go into effect March 15, but 34 oil companies and 2 trade associations brought suit to block the regulation.

After examining the history of the legislation that defines FTC's authority, Judge Aubrey E. Robinson Jr. concluded that the octane regulation was "void" because FTC exceeded its statutory authority in issuing the regulation. His decision is significant because it places in doubt the validity of other industry-wide FTC rules, such as the recently announced rule that will require clothing to be labeled with cleaning instructions and the proposed regulation of mail-order business practices.

FTC is appealing the district court's decision in the octane-rating case. If the higher court affirms the district court's decision, this case could invalidate FTC's 10-year practice of issuing industry-wide rules defining certain business acts and practices as "unfair" and "deceptive" and thus illegal under the laws enforced by the FTC.

Dear Consumer:

Many of you are concerned about the big dent food costs make in your budget. Although food prices have been high recently, you can keep your grocery bill in line by being a careful shopper—a bargain shopper.

You can be a bargain shopper when you read the food ads in your local newspaper. Look for the "loss leaders." "Loss leaders" usually are the weekend specials at high savings to you (and no profit to the stores). Take advantage of specials. Also consider these suggestions:

- If possible—and if you have the time—bypass prepared foods. Frozen dinners, fancy frozen vegetables, ready-made desserts or easy-to-fix casserole items may be convenient, but you have to pay for the convenience. By preparing these items, you can save on your food bill.
- If you really are price conscious, you probably are using unit pricing. Whether your local store posts unit prices of items or whether you figure out the cost per ounce or per pound yourself, you can use unit pricing to save. A good look at competing products will show you that in many cases you can find significant savings by comparing the price per ounce.
- Buy in bulk quantities. A 10-pound bag of potatoes costs more than a 5-pound bag, but less per pound. Though you spend more initially, you save more over the long run.
- Buy what you need, not what you want. Go grocery shopping with a well thought out list and stick to it. Buying on impulse can ruin your budget.

These are but a few ideas. I am sure many of you have more. If you have some special saving measures that you think are helpful, pass them on to me for my notebook, and I shall pass them on to the other CONSUMER NEWS readers. Send your shopping and saving hints to CONSUMER NEWS Notebook, Office of Consumer Affairs, Washington, D.C. 20506.

Sincerely,

FDA releases unpublished list of contaminants

Food & Drug Administration has released for the first time an 8-page set of guidelines on how much filth it considers to be "natural and unavoidable" in certain foods. The list indicates the levels of contaminants that the agency permits in foods, such as one rat or mouse pellet per pint of wheat and mold or insect damage in 10% of coffee beans.

In its announcement, the agency explained that "some foods, even when produced under current good manufacturing and/or processing practices, contain natural or unavoidable defects at low levels that are not hazardous to health." According to the agency, these defects cannot be eliminated even with modern agricultural and processing technology. The agency said, however, that the defect tolerances do not excuse manufacturers from taking proper sanitary precautions: "When evidence of insanitary conditions of production or storage is known, action may be taken against products with lower defect levels."

The guidelines are not new, even though this is the first time they have been made public. Guidelines on mold in tomato pulp, for example, were established as early as 1911. Specific contaminant levels are regularly revised and tightened as new information and technology becomes available. FDA distributes each new guideline and revised guideline to state regulatory agencies, which distribute them to industries within their states.

If you wish to comment on the contamination guidelines, you may want to study them first. Send requests for the lists of contaminant levels to Assistant Commissioner for Public Affairs, Room 15B-42, 5600 Fishers Lane, Rockville, Md. 20852.

May 29 is deadline for filing your written comments. Send comments to Hearing Clerk, Dept. of Health, Education & Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

New boating safety regulations

U.S. Coast Guard's new regulations requiring lifesaving equipment on pleasure boats go into effect on April 17. The regulations apply to sailboats, canoes, rowboats & towed boats and are similar to current regulations for motor boats. Regulations apply to boats used on Federal waters (rivers, bays, lakes that cross state lines or that are part of Federal lands).

The new regulations, which are similar to many state regulations, state that

- No person may use a boat less than 40 feet long unless there is at least one of the following on board for each person: life preserver, ring life buoy, buoyant vest, special-purpose water safety buoyant device or buoyant cushion;
- No person may use a boat that is 40 feet but less than 65 feet long unless there is at least one life preserver or ring life buoy on board for each person;
- No person may use a boat that is 65 feet or longer without at least one life preserver on board for each person;
- A person using a canoe or kayak that is enclosed by a deck or spray skirt need not comply with the above requirements if he wears a vest-type lifesaving device meeting the following specifications: (1) not less than 150 permanently inflated air sacs made of not less than 12-mil polyvinyl chloride film and not less than 13 pounds positive buoyancy in fresh water if worn by a person who weighs more than 90 pounds; (2) not less than 120 separate permanently inflated air sacs made of not less than 12-mil polyvinyl chloride film and not less than 8½ pounds positive buoyancy in fresh water if worn by a person who weighs 90 pounds or less;
- A person using a racing shell or rowing scull need not comply with the above lifesaving-equipment requirements if the appropriate vest-type lifesaving device is carried on board an accompanying boat for his use;
- Each item of lifesaving equipment is to be readily accessible on the boat and in good & serviceable condition.
- Each item of lifesaving equipment is to be labeled that it meets Coast Guard requirements.

You may get Coast Guard's latest free list of all approved boating equipment by writing to Equipment List (CG190), U.S. Coast Guard (MMT/82), 400 7th St., S.W., Washington, D.C. 20590.

New list of banned dangerous toys

The following list names toys that Food & Drug Administration's Bureau of Product Safety banned in February through mid-March because the toys were considered to be hazardous to children. The bureau says that in many cases the toys have been redesigned to eliminate the hazard and redistributed or dropped from the company's product line. The list comprises the generic or brand name of each toy, date of ban in parentheses, reason for ban and manufacturer or distributor:

Moose, Deputy Dog & Hep Cat Toy Animal Banks (2-18-72). Sharp edges of staples & badges.
Royalty Designs of Florida, Inc.
Hialeah, Florida

Your Dream Dolls #2080 & B2082 (2-18-72). "T" pin attaching veil on the bride's head.

Eugene Doll Company
New York, New York

5½" long Barbell Rattle #237P; A Crib, Playpen or Bath Toy, ball shape (3-8-72). Small objects and/or sharp edges.

Plakie Toys, Inc.
Youngstown, Ohio

Tiny Train Top #206 (2-17-72). Sharp edges & a rigid metal shaft.
J. Chein & Company
Burlington, New Jersey

Musical Toy Top "LBZ", made in Germany (3-7-72). Rigid metal shaft.

Cash Wholesale Company
Subsidiary of Sterling Stores Co.
Little Rock, Arkansas

Roly Poly the Musical Rocking Horse #2400, made in Hong Kong (3-9-72). Small objects and sharp edges.

Childhood Interest/Alan Jay
Roselle Park, New Jersey

Assorted bugles & accordians, squeaker toys in a surprise package, made in Italy; Sharps & flats 23 Key Concert Xylophone #48-37191, made in Japan; Plastic Eichhorn Picture Blocks with Beads #1235, made in West Germany; Toy Wooden Duck Pull Toy #1031 1/P-12, made in Japan (3-6-72 and 3-7-72). Surprise package: squeaker removes; #48-37191: sharp keys; #48-37191: sharp keys; #1235: small objects and sharp edges; #1031 1/P-12: small objects & sharp staple.

F. W. Woolworth & Company
New York, New York

Butterfly Pull Toy #4200, made in Hong Kong (3-10-72). Balls may be broken, exposing small objects & sharp edges.

Eastern Toy Corporation
Div. of Atlantic Dept. Stores
Pawtucket, Rhode Island

2-sided Mirror Rattle #6256; Melody Ball #6120 (3-10-72). #6256:

small objects; #6120: small objects, sharp prongs of musical element.

Baby World Company
Great Neck, New York

Color Sorter #75 w/balls, ages 1-4 (3-5-72). Small objects and sharp edges.

Child Guidance Products, Inc.
Bronx, New York

Lovely List Dolls #6133 and 6135 (3-10-72). Pins in the head.

Goldberger Doll Mfg. Company
Brooklyn, New York

Walt Disney's Snow White and the Seven Dwarfs Xylophone #9326 (3-9-72). Keys are sharp.

Larami Corporation
Philadelphia, Pa.

Whirling Space Capsule Top #320 (3-7-72). Small objects and a rigid metal shaft.

The Ohio Art Company
Bryan, Ohio

Barbell Baby Rattles #1129 & 1130, made in Hong Kong (3-7-72). Small objects.

Susan Crane Packaging Co.
Dallas, Texas

Baby's Musical Nursery Carousel #2603, made by Alps Toy, Tokyo, Japan (3-6-72). Small objects and a rigid metal rod.

Lewis Galoob Company
San Francisco, California

Baby Rattle #156, made in Hong Kong; Playful Polly Playball #736, made in U.S.A. (3-9-72). Small objects and sharp edges.

Sanitoy, Inc.
Palisades Park, New Jersey

Dog, Clown & Elephant Squeeze Toys #3000 (3-6-72). Squeaker removes.

Aim Plastics, Inc.
Bronx, New York

Plastic Multi-Colored Musical Chime Baby Rattle; Plastic Multi-Colored rattle with plastic & metal balls, made in Japan (3-3-72). Small objects and sharp edges or chime prongs.

Mishimoto Trading Co., Ltd.
Honolulu, Hawaii

Mirror Rattle #581 (3-2-72). Small objects & sharp edges.

Louis A. Boettinger Company
Hewlett, New York

Rattle Doll #281, made in Hong Kong; Clown and dog squeaker toy #250, made in Taiwan (3-9-72). #281: small objects; #250: squeaker removes.

Bomar Company
Div. of Kiddie Products, Inc.
Squantum, Massachusetts

Shake Me Rattle #380, made in Hong Kong. Small objects and sharp edges.

Reliance Products Company
Woonsocket, Rhode Island

6½" "Fashion Doll", made in Hong Kong (3-7-72). Sharp wires and rigid metal rod.

Esco Imports of Texas, Inc.
San Antonio, Texas

Nurse Doll #9294P, made in Hong Kong (3-2-72). Pin in head piece.

Louis Greenberg & Sons
New York, New York

High Chair with Baby Sweetheart #37/864, made in Hong Kong; Dog & Sheep Squeeze Toy #17/623, made in Japan; Milk Bottle & Hammer Set, made in Hong Kong (3-6-72). #37/864: Sharp edges; #17/623: Squeaker removes; Bottle & hammer set: Squeaker removes, and small objects.

Illfelder Importing Company
New York, New York

Mechanical Merry-Go-Round on a moving platform #BK-9, made in Japan (3-6-72). Small objects and a rigid metal rod.

Regent Baby Products
Woodside, New York

Stuffed Animals: Multi-colored Scotty Dog #239A; Long Snooted animal and the Orange Blob (3-9-72). Scotty Dog: sharp wires in flower bouquet; Long Snooted animal: sharp edges of eyes; Orange Blob: rigid point of eye.

R & R Toy Manufacturing Co.
Pen Argyl, Pennsylvania

Puppets styled as witch, bandit, monkey, gypsy Indian and Guitar Player, made in Mexico (3-7-72). Sharp wires and nails.

Pier One Imports
Houston, Texas

Continued on next page

Toy list (continued)

"Dr. Ben Joins the Nurses" Doll Set #751-64, made in Hong Kong (3-6-72). Straight pin.

Dan Brechner Company, Inc.
New York, New York

Gadget Gear Box #165-9 (3-7-72). Small objects and sharp edges.
Kenner Products Corporation
Cincinnati, Ohio

Squeeze Toys (Dog, Kitten, Bear), no stock numbers, made in U.S.A. (3-9-72). Squeaker removes.
J. L. Prescott Company
Arrow Molded Products Div.
Passaic, New Jersey

Play-A-Tune Typewriter Xylophone with Mallet & musical instruction sheet, made in Japan by Taiyo Co., Ltd. (3-2-72). Keys are sharp.

American Import Merchant's Corp.
New York, New York

Lovely Jo-Ann Style #T217 (3-2-72). Straight pin in ribbon.
Nasco Dolls, Inc.
Brooklyn, New York

Wind-Up Musical Nursery Merry-Go-Round #131, made in Japan (3-7-72). Small objects.

Pensick & Gordon
Los Angeles, California

Stuffed animal's (Monkey with collar and buckle, Dog with necklace, Fur Dog and Rabbit), made in Korea (3-6-72). Monkey: collar buckle is sharp; others: sharp wires in noses and eyes.

Associated Dry Goods Corp.
New York, New York

Plastic crocodile with squeaker & pop-out tongue, made in Hong Kong; 14" Western Doll #2585, made in Taiwan (3-7-72). Crocodile: squeaker and tongue remove; Doll: straight pins and sharp wires.
Baruch Petranker Import Co.
San Francisco, California

Squeeze Toy #631, rabbit with carrot (3-9-72). Squeaker removes.
Electro-Plastics, Inc.
Newark, New Jersey

Toy Clown Bank #113 and Doggie Weatherman Toy Banks, made in Hong Kong (3-6-72). #113: pin in the collar of some units; Doggie: Balloon wire ends are sharp.

Sterling Products, Inc.
Chicago, Illinois

Musical Ball #701 (3-7-72). Sharp prongs.

Jolly Blinker Corporation
Brooklyn, New York

Play Pal Music Box #3901, made in West Germany (3-2-72). Small objects and sharp edges.

Alexander's
New York, New York

Stuffed Snoopy Dog #165, made in Hong Kong (3-6-72). Pin in nose.

Famus Corporation
Brooklyn, New York

Toy Lawn Mower, #238, made in Canada (3-6-72). Sharp edges of metal noisemaking device.

Harett-Gilmar, Inc.
East Rockaway, New York

If you believe a toy is hazardous and should not be on the market, you may want to notify FDA's Toy Review Committee, describing the toy, its name (if any), model number (if any), name and address of manufacturer (or distributor) and name of store stocking the toy. Send your comments to L. J. Chisholm, Toy Review Committee, Bureau of Product Safety, Food & Drug Administration, 5401 Westbard Avenue, Bethesda, Md. 20016. You may also write to the same address for copies of all previously published lists of banned toys. CONSUMER NEWS has published all of these lists in its Nov. 1, Dec. 15, Jan. 15, Feb. 1, and Mar. 1 issues.

CONSUMER NEWS is published the 1st and 15th of each month by the Office of Consumer Affairs, Executive Office of the President, to report Federal Government programs for consumers. Use of funds for printing this publication approved by the Director of the Office of Management & Budget, October 9, 1971. Authorization to reproduce any or all items is granted. Editorial address is CONSUMER NEWS, Office of Consumer Affairs, New Executive Office Building, Washington, D.C. 20506; telephone: (202) 395-4692. For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; subscription \$1 a year, payable to Supt. of Documents. Send changes of address to Superintendent of Documents.

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EXECUTIVE OFFICE OF THE PRESIDENT

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WASHINGTON, D.C. 20506

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Consumer News: April 15

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